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called up the maker on the telephone and requested payment. Upon the maker's statement of his inability to pay, he was informed that the note would be protested. An indorser who was sought to be held contended that there was no presentation to the maker within the fair meaning of the statute. The Supreme Court of New York held that, although the maker had a right to insist on the exhibition of the note to him, he waived it by declining to pay on another ground. For every purpose the talk over the telephone was as effective as though the conversation had been within the walls of the house.

Intentional Explosion of Boiler.—A laundry was in the habit of wrongfully using the pipe of a water company to relieve its boiler of excessive pressure. The water company was aware of this use, and knew moreover that the boiler had no other exhaust. Without notice to the laundry, and with knowledge of its probable effect, the water company arranged a check valve within the pipe which furnished the boiler water. In due time the boiler exploded damaging the building. The court of Appeal of California, in *Bowie v. Spring Valley Water Co.*, 97 Pacific Reporter, 530, held that defendant was liable for the explosion, and plaintiff could have recovered but for the fact that its complaint failed to allege that it was at the time of the installation of the valve using the feed pipe as a vent, and had no other means of relieving the pressure in the boiler, and that defendant was aware of these circumstances.

Constitutionality of Statute Prohibiting Traffic in Game.—The constitutionality of the New York statute providing that grouse and plover shall not be possessed during the close season, whether killed within or without the state, was attacked in *New York ex rel. Silz v. Hesterberg*, 29 Supreme Court Reporter, 10. It appeared that relator, a dealer in imported game, had in his possession two birds, one of each of the species mentioned. They were unlike the native birds of their family, and were easily distinguishable both before and after culinary attention. It was contended that while the protection of the game supply was within the police power of a state, the law in question was an unreasonable exercise thereof; that it was an unconstitutional regulation of foreign commerce; that it denied due process of law. The United States Supreme Court held that, as a state had the power to make a law that would remove from its dealers the temptation to traffic in native game under the pretext of handling foreign birds, this statute was not unconstitutional. This decision would seem to settle finally any question as to the constitutionality of 2070a of the Virginia Code.

Horse Racing on Street Is Not a Defect In Highway.—A commercial club, for the purpose of enlivening local commerce arranged a